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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,714	07/31/2003	Keisuke Yoshida	1046.1297	1592

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EXAMINER
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BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/630,714

Applicant(s)

YOSHIDA, KEISUKE

Examiner

Pierre-Michel Bataille

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 5, 9, and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant Admitter Prior Art (AAPA).

With respect to claims 1, 5, 9, and 13, AAPA discloses the invention as claimed, an information processing system comprising: a first storage module storing step information containing parameters (***Windows Batch98 program setting parameters for used by install execution program when installing Windows98 Operating System***); a second storage module storing values of the parameters (***predetermined definition file storing parameters***); and a module executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter (***install execution program on a CD-ROM setting parameters saved in the definition file***). (See pages 2-3.)

3. Claims 1-2, 4-6, 8-10, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,117,186 (Wydall et al).

With respect to claims 1, 5, 9, and 13, Wydall discloses the invention as claimed, an information processing system comprising: a first storage module storing step information containing parameters (***WIN.INI, SYSTEM.INI, AUTOEXEC.BAT, CONFIG.SYS, executable files run from CD-ROM to control the initial operation of a program***); a second storage module storing values of the parameters (***predetermined data file storing parameters to scale the program such as size and rate, e.g. data.mnu or cdnav.ini file or a line in WIN.INI***); and a module executing steps specified by the step information in a way that replaces a parameter of the step information with a value of the parameter (***execution program run carrying unstructions to optimize the size and/or frame rate according to specified parameters values***). (See Col. 6, Line 30 to Col. 7, Line 3; Col. 7, Line 33 to Col. 8, Line 44).

With respect to claims 2,4, 6, 8, 10, 12, 14 and 16, Wydall discloses the information system configuring predetermined target system by combining a plurality of subsystems, and the parameters is characteristic information that adapts said subsystem to the target system; and the system accepting values setting with respects to the parameters and the system judging whether the values with the setting accepted can be applied to said target system [Col. 9, Lines 21-45].

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2186

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 7, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,117,186 (Wydall et al). in view of US 2002/0104019 (Chatani et al).

With respect to claims 5, 7, 11, and 15, Wydall discloses the invention as claimed, but fails to specifically teach the information processing system wherein information is encrypted, and said system comprising a module decrypting the information encrypted. However, Chatani discloses a program product distribution including operating environment data or a set of program use parameters specific to the program, the program use parameters including: variables that encode the limited use constraints of the program, a counter value that serves to count the elapsed time of use of the program with public key/private key encryption system to transmit the product and usage information [abstract; Fig. 3-4]. Therefore it would have been obvious to one of ordinary skill in the art to have included in Wydall's system the encrypted information and a module decrypting the information encrypted because the result would have permitted better control of the distribution of the program enabling unique access rights of the products.


### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 4:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre-Michel Bataille  
Primary Examiner  
Art Unit 2186

November 29, 2005

**PIERRE BATAILLE**  
**PRIMARY EXAMINER**